

## **MINUTES**

### **MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** Chair Jim Shockley, on March 23, 2011 at 2:45 PM, in Room 303 Capitol

#### **ROLL CALL**

##### **Members Present:**

Sen. Jim Shockley, Chairman (R)  
Sen. Ron Arthun, Vice Chairman (R)  
Sen. Larry Jent (D)  
Sen. Carmine Mowbray (R)  
Sen. Jonathan Windy Boy (D)

**Members Excused:** Sen. Joe Balyeat (R)  
Sen. Anders Blewett (D)  
Sen. Llew Jones (R)

**Members Absent:** None

**Staff Present:** Nadine Spencer, Committee Secretary  
Rachel Weiss, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: HB 279, 3/14/2011; HB 297, 3/14/2011; HB 344, 3/14/2011; HB 489, 3/14/2011

Executive Action: HB 431, Be Concurred In; HB 91, Be Concurred In As Amended; HB 152, Be Concurred In As Amended; HB 279, Be Concurred In As Amended; HB 297, Be Concurred In As Amended; HB 489, Be Tabled; SB 397, Do Pass As Amended

**EXECUTIVE ACTION ON HB 91**

**EXHIBIT(sts65a01)**

**Discussion:**

00:00:26 Chairman Shockley  
00:00:43 Rachel Weiss, LSD

00:00:53 **Motion:** Sen. Arthun moved that **HB 91 BE CONCURRED IN.**

00:01:31 **Motion:** Sen. Arthun moved that **HB 91 BE AMENDED.**

**EXHIBIT(sts65a02)**

**Discussion:**

00:01:43 Rachel Weiss  
00:02:08 Sen. Arthun  
00:02:13 Rachel Weiss  
00:02:28 Chairman Shockley

00:02:35 **Vote:** Motion carried 7-0 by voice vote by members present and voting. Sen. Blewett and Sen. Jones voted by proxy. Sen. Balyeat abstained from voting.

00:03:04 **Motion:** Sen. Arthun moved that **HB 91 BE CONCURRED IN AS AMENDED.**

**Discussion:**

00:03:13 Sen. Windy Boy  
00:03:48 Chairman Shockley  
00:04:00 Sen. Arthun  
00:04:27 Rachel Weiss  
00:04:42 Sen. Arthun  
00:04:45 Rachel Weiss  
00:05:09 Sen. Arthun

00:05:14 **Vote:** Motion carried 7-0 by voice vote by members present and voting. Sen. Blewett and Sen. Jones voted by proxy. Sen. Balyeat abstained from voting. Sen. Gillan will carry the bill.

**EXECUTIVE ACTION ON HB 152**

00:05:53 **Motion:** Sen. Arthun moved that **HB 152 BE CONCURRED IN.**

**Discussion:**

00:06:03 Rachel Weiss  
00:06:25 Chairman Shockley

00:06:48 **Motion:** Sen. Arthun moved that **HB 152 BE AMENDED.**  
**EXHIBIT**(sts65a03)

**Discussion:**

00:07:01 Chairman Shockley  
00:07:06 Rachel Weiss

00:08:10 **Vote:** Motion carried 7-0 by voice vote by members present and voting. Sen. Blewett and Sen. Jones voted by proxy. Sen. Balyeat abstained from voting.

00:08:30 **Motion:** Sen. Arthun moved that **HB 152 BE CONCURRED IN AS AMENDED.**

**Discussion:**

00:08:37 Sen. Windy Boy  
00:09:58 Sen. Jent  
00:11:39 Chairman Shockley  
00:11:42 Sen. Mowbray  
00:12:28 Sen. Arthun  
00:12:38 Chairman Shockley  
00:12:57 Sen. Arthun  
00:13:39 Sen. Jent  
00:13:48 Sen. Arthun  
00:14:04 Chairman Shockley  
00:14:15 Sen. Blewett entered the hearing.  
00:14:53 Sen. Windy Boy

00:16:08 **Vote:** Motion carried 5-3 by roll call vote with Sen. Blewett, Sen. Jent and Sen. Windy Boy voting no. Sen. Balyeat and Sen. Jones voted by proxy. Sen. Shockley will carry the bill.

**EXECUTIVE ACTION ON HB 306**

00:18:55 **Motion:** Sen. Arthun moved that **HB 306 BE CONCURRED IN.**

**Discussion:**

00:19:12 Sen. Jent

00:19:27 **Motion:** Sen. Arthun moved to **WITHDRAW THE BE CONCURRED IN MOTION ON HB 306.**

**EXECUTIVE ACTION ON HB 310**

00:20:16 **Motion:** Sen. Arthun moved that **HB 310 BE CONCURRED IN.**

**Discussion:**

00:20:32 Sen. Mowbray  
00:20:36 Chairman Shockley

00:20:51 **Motion:** Sen. Arthun moved that **HB 310 BE AMENDED.**  
**EXHIBIT**(sts65a04)

**Discussion:**

00:20:58 Rachel Weiss

00:21:32 **Vote:** Motion carried unanimously by voice vote. Sen. Balyeat and Sen. Jones voted by proxy.

**Discussion:**

00:22:10 Sen. Windy Boy  
00:22:24 Chairman Shockley

00:22:28 **Motion:** Sen. Arthun moved that **HB 310 BE CONCURRED IN AS AMENDED.**

**Discussion:**

00:22:40 Rachel Weiss

00:23:10 **Motion:** Sen. Arthun moved that **HB 310 BE AMENDED.**  
**EXHIBIT**(sts65a05)

**Discussion:**

00:23:32 Sen. Blewett  
00:23:53 Rachel Weiss  
00:24:15 Sen. Blewett

00:24:43 **Vote:** Motion carried 5-3 by roll call vote with Sen. Blewett, Sen. Jent and Sen. Windy Boy voting no. Sen. Balyeat and Sen. Jones voted by proxy.

00:26:13 **Motion:** Sen. Arthun moved that **HB 310 BE CONCURRED IN AS AMENDED.**

**Discussion:**

00:26:21 Sen. Blewett  
00:27:32 Sen. Arthun  
00:27:56 Sen. Windy Boy  
00:28:48 Sen. Arthun  
00:28:54 Rachel Weiss  
00:28:58 Sen. Windy Boy  
00:29:24 Rachel Weiss  
00:30:09 Sen. Windy Boy

00:30:42 Sen. Blewett  
 00:31:17 Sen. Jent  
 00:32:38 Sen. Blewett  
 00:35:21 Chairman Shockley  
 00:35:28 Sen. Jent  
 00:36:05 Chairman Shockley  
 00:36:30 Sen. Mowbray  
 00:36:53 Chairman Shockley  
 00:37:12 Sen. Mowbray

00:37:19 **Vote:** Motion carried 5-3 by roll call vote with Sen. Blewett, Sen. Jent and Sen. Windy Boy voting no. Sen. Balyeat and Sen. Jones voted by proxy. Sen. Shockley will carry the bill.

### **HEARING ON HB 344**

#### **Opening Statement by Sponsor:**

00:39:09 Rep. Steve Gibson (R), HD 78, opened the hearing on HB 344, Prohibit favoritism between for-profit and nonprofit corps in state contracts.

**EXHIBIT**(sts65a06)

**Proponents' Testimony:** None

**Opponents' Testimony:**

00:46:33 Pat Keim, representing Alternatives, Inc.

**EXHIBIT**(sts65a07)

00:55:09 Sue Wilkins, Missoula Correctional Services (MCS)

**EXHIBIT**(sts65a08)

00:59:31 Jim Ahrens, Great Falls Pre-Release Center

**Informational Testimony:** None

#### **Questions from Committee Members and Responses:**

01:00:15 Sen. Blewett  
 01:00:52 Jim Ahrens  
 01:01:28 Sen. Blewett  
 01:06:09 Pat Keim  
 01:06:43 Chairman Shockley  
 01:15:04 Rep. Gibson  
 01:15:25 Sen. Blewett  
 01:16:22 Rep. Gibson  
 01:16:41 Chairman Shockley  
 01:20:24 Pat Keim

#### **Closing by Sponsor:**

01:20:46 Rep. Gibson

**HEARING ON HB 279**

**Opening Statement by Sponsor:**

01:26:29 Rep. Frank Smith (D), HD 31, opened the hearing on HB 279, Providing disaster and emergency services to tribal governments.

**Proponents' Testimony:**

01:28:46 Sen. Sharon Stewart- Peregoy, SD 21

**EXHIBIT**(sts65a09)

01:30:09 Annie Glover, Confederated Salish and Kootenai Tribe

**Opponents' Testimony:** None

**Informational Testimony:**

01:30:36 Ed Tinsley, DES

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

01:30:55 Rep. Smith

**HEARING ON HB 297**

**Opening Statement by Sponsor:**

01:31:52 Rep. Tom Berry (R), HD 45, opened the hearing on HB 297, Extend time frames to preserve historic right of way for state lands.

**Proponents' Testimony:**

01:34:23 Harold Blattie, Montana Association of Counties (MACo)

01:37:09 Mary Sexton, Director, Department of Natural Resources and Conservation (DNRC)

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:39:24 Sen. Windy Boy

01:42:21 Mary Sexton, DNRC

01:43:16 Chairman Shockley

01:51:28 Harold Blattie, MACo

01:52:05 Chairman Shockley

01:55:47 Mary Sexton  
01:55:50 Chairman Shockley  
01:56:42 Rep. Berry

**Closing by Sponsor:**

01:57:14 Rep. Berry

**CONTINUED HEARING ON HB 279**

**Additional Proponents' Testimony:**

01:57:36 Sen. Windy Boy  
01:58:18 Loren "Bum" Stiffarm, Fort Belknap Community Counsel

**HEARING ON HB 489**

**Opening Statement by Sponsor:**

02:03:35 Rep. Jerry O'Neil (R), HD 3, opened the hearing on HB 489, Revise statutory rules for determining residency for voting and registration.

**Proponents' Testimony:** None

**Opponents' Testimony:**

02:07:13 Harold Blattie, MACo  
**EXHIBIT**(sts65a10)  
02:10:28 Jorge Quintana, Office of Secretary of State  
02:12:18 Shelbi Dantic, Montana Public Research Group (MontPIRG)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:13:05 Sen. Windy Boy  
02:15:32 Jorge Quintana  
02:16:21 Chairman Shockley  
02:18:18 Jorge Quintana  
02:18:37 Chairman Shockley  
02:18:48 Rep. O'Neil

**Closing by Sponsor:**

02:19:53 Rep. O'Neil

**EXECUTIVE ACTION ON HB 279**

02:20:36 **Motion:** Sen. Arthun moved that **HB 279 BE CONCURRED IN.**

**Discussion:**

02:21:09 Sen. Mowbray  
02:21:54 Sen. Windy Boy  
02:22:53 Rachel Weiss  
02:23:10 Chairman Shockley

02:23:17 **Motion/Vote:** Sen. Mowbray moved that **HB 279 BE AMENDED WITH A CONCEPTUAL AMENDMENT** to add an "immediate" effective date . Motion carried unanimously by voice vote. Sen. Balyeat and Sen. Jones voted by proxy.

**EXHIBIT**(sts65a11)

02:23:58 **Motion/Vote:** Sen. Arthun moved that **HB 279 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote. Sen. Balyeat and Sen. Jones voted by proxy. Sen. Augare will carry the bill.

**EXECUTIVE ACTION ON HB 297**

**Discussion:**

02:24:56 Chairman Shockley  
02:25:22 Sen. Windy Boy  
02:25:36 Chairman Shockley

02:26:08 **Motion:** Sen. Arthun moved that **HB 297 BE CONCURRED IN**.

**Discussion:**

02:26:14 Chairman Shockley

02:26:53 **Motion:** Sen. Shockley moved that **HB 297 BE AMENDED WITH A CONCEPTUAL AMENDMENT** on page 1, line 15, the underlying number "2015" be stricken and substituted with "2013" and on page 2, line 29, the underlying number "2020" be stricken and substituted with "2025" with the same changes also being made on page 3.

**EXHIBIT**(sts65a12)

**Discussion:**

02:26:55 Chairman Shockley  
02:27:54 Sen. Mowbray  
02:28:05 Chairman Shockley  
02:28:12 Sen. Mowbray  
02:28:34 Chairman Shockley

02:29:21 **Vote:** Motion carried unanimously by voice vote. Sen. Balyeat and Sen. Jones voted by proxy.



02:29:41 **Motion/Vote:** Sen. Arthun moved that **HB 297 BE CONCURRED IN AS AMENDED**. Motion carried unanimously by voice vote. Sen. Balyeat and Sen. Jones voted by proxy. Sen. Jones will carry the bill.

02:30:38 Recess

02:31:10 Resume

02:43:29 Sen. Blewett was not in attendance after the meeting resumed.

**EXECUTIVE ACTION ON HB 489**

02:44:07 **Motion:** Sen. Arthun moved that **HB 489 BE CONCURRED IN**.

**Discussion:**

02:44:16 Chairman Shockley

02:44:41 **Substitute Motion/Vote:** Sen. Windy Boy moved that **HB 489 BE TABLED**. Motion carried unanimously by voice vote. Sen. Balyeat, Sen. Blewett and Sen. Jones voted by proxy.

**EXECUTIVE ACTION ON SB 397**

02:45:33 **Motion:** Sen. Windy Boy moved that **SB 397 DO PASS**.

**Discussion:**

02:45:58 Rachel Weiss

02:46:15 **Motion:** Sen. Windy Boy moved that **SB 397 BE AMENDED**.  
[EXHIBIT\(sts65a13\)](#)

**Discussion:**

02:46:31 Sen. Windy Boy

02:47:41 Chairman Shockley

02:47:48 Sen. Windy Boy

02:48:45 Chairman Shockley

02:48:57 Sen. Arthun

02:49:00 Rachel Weiss

02:49:47 Chairman Shockley

02:49:53 Sen. Kaufmann, SD 41

02:50:38 Chairman Shockley

02:50:46 **Vote:** Motion carried unanimously by voice vote. Sen. Balyeat, Sen. Blewett and Sen. Jones voted by proxy.

02:51:06 **Motion:** Sen. Windy Boy moved that **SB 397 DO PASS AS AMENDED**.

**Discussion:**

02:51:50 Rachel Weiss  
 02:52:40 Chairman Shockley  
 02:52:43 Chairman Shockley left the hearing.  
 02:52:45 Sen. Kaufmann  
 02:55:05 Sen. Arthun  
 02:55:24 Sen. Kaufmann  
 02:56:16 Sen. Jent

02:57:05 **Motion:** Sen. Jent moved that **SB 397 BE AMENDED.**  
**EXHIBIT(sts65a14)**

**Discussion:**

02:57:20 Sen. Windy Boy  
 02:57:34 **Vote:** Motion carried unanimously by voice vote. Sen. Balyeat, Sen. Blewett, Sen. Jones and Sen. Shockley voted by proxy.  
 02:57:59 **Motion:** Sen. Windy Boy moved that **SB 397 DO PASS AS AMENDED.**

**Discussion:**

02:58:08 Sen. Kaufmann  
 02:58:43 **Vote:** Motion carried unanimously by voice vote. Sen. Balyeat, Sen. Blewett, Sen. Jones and Sen. Shockley voted by proxy.

**EXECUTIVE ACTION ON HB 431**

02:59:33 **Motion:** Sen. Mowbray moved that **HB 431 BE CONCURRED IN.**

**Discussion:**

02:59:47 Sen. Windy Boy  
 03:00:39 Sen. Arthun  
 03:00:44 Sen. Windy Boy  
 03:00:59 Chairman Shockley entered the hearing.  
 03:01:49 Sen. Jent  
 03:02:31 Chairman Shockley  
 03:02:53 **Vote:** Motion carried 5-3 by roll call vote with Sen. Blewett, Sen. Jent and Sen. Windy Boy voting no. Sen. Balyeat, Sen. Blewett and Sen. Jones voted by proxy. Sen. Balyeat will carry the bill.

**ADJOURNMENT**

Adjournment: 5:50 P.M.

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Nadine Spencer, Secretary

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Additional Documents:

**EXHIBIT([sts65aad.pdf](#))**